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MEMORANDUM ENDORSEMENT

Rodriguez v. HomeGoods et al, No. 7:22-cv-6412 (NSR)

The Court is in receipt of the attached letter from Defendants HomeGoods and The TJX Companies Inc., dated September 9, 2022 (ECF No. 18). The Court has also reviewed Plaintiff Ana P. Rodriguez's Motion to Remand filed on August 30, 2022 (ECF No. 12) and a letter motion filed on the same date (ECF No. 15).

Plaintiff's Motion to Remand is DENIED without prejudice for failure to follow the Court's Individual Practices in Civil Cases. *See* Sec. 3.A.ii.

The Court hereby waives the pre-motion conference requirement and GRANTS Plaintiff leave to file a motion to remand in accordance with the following briefing schedule:

- (1) Plaintiff's moving papers are to be re-served (not filed) on September 19, 2022;
- (2) Defendants' opposition papers are to be served (not filed) on October 3, 2022; and
- (3) Plaintiff's reply papers are to be served on October 10, 2022.

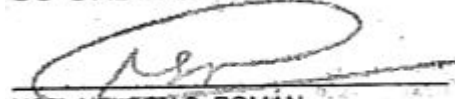
All motion papers are to be filed by the parties on the reply date, October 10, 2022. The parties are directed to provide Chambers with two physical courtesy copies of their motion papers on the same date they are served on opposing counsel. The parties are further directed to provide the Court with an electronic courtesy copy of the motion papers as they are served per this Court's local emergency civil rules.

The Clerk of Court is respectfully directed to terminate the motions at ECF No. 12, 15, and 18.

DATED: September 12, 2022

White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

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September 9, 2022

VIA ECF

Hon. Nelson S. Roman
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Ana P. Rodriguez v. HomeGoods, The TJX Companies, Inc. and Palmer Square LLC.
Civil Action No.: 7:22-cv-06412-NSR
Our No.: 598-9881

Dear Judge Roman:

This office represents defendants, HomeGoods, Inc., i/s/h/a HomeGoods and The TJX Companies, Inc. ("TJX"), in connection with the above-referenced matter. This correspondence is respectfully submitted as a request for clarification with respect to the below issues.

By way of background, plaintiff filed this matter in state court. On July 29, 2022, TJX removed the case on the grounds of diversity jurisdiction, arguing that the non-appearing¹ defendant, Palmer Square LLC, an out of possession landlord, was fraudulently joined and therefore did not defeat diversity.

On August 29, 2022², plaintiff filed a request for a pre-motion conference in connection with a motion for remand. TJX submitted its opposition to plaintiff's request on September 1, 2022. Simultaneously with the application for the pre-motion conference, and before obtaining Your Honor's permission, plaintiff filed the remand motion. Pursuant to the Local Rules, opposition to a remand motion must be filed and served within 14 days of its service, i.e., September 12, 2022.

Accordingly, it is respectfully requested that the Court provide clarification with respect to whether plaintiff's improperly filed motion to remand is deemed accepted and properly served. If so, TJX

¹ Subsequent to removal, counsel for Palmer Square LLC filed a Notice of Appearance. However, TJX has agreed to assume the defense and indemnity of the landlord in this matter and the parties are in the process of working out the details concerning the transfer of the file.

² Plaintiff's initial filings were rejected due to procedural deficiencies and the pre-motion conference request and remand motion were re-filed on August 30, 2022.

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respectfully requests an extension of time to submit its opposition to September 23, 2022. Plaintiff has consented to this request.

Thank you for the opportunity to address the court in this matter.

Respectfully submitted,
/s/ Irina Feferman
Irina Feferman

IF:sl

cc: Via ECF
The Hamel Law Firm, P.C.
Fullerton Beck LLP